IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

CRP.No. 13 of 2007()

OPELE.18/2003 of ADDL. DISTRICT COURT, PARAVUR

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REVN. PETITIONERS: RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY, VYDHYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

2. ASSISTANT EXECUTIVE ENGINEER,
K.S.E.B., T.C. SUB DIVISION,MANNAM P.O.,N.PARAVUR.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

RESPONDENT: PETITIONER:

SMT. KHADEEJA, W/O. SAIDU MUHAMMED,
KIZHAKECHELA HOUSE, MURAVANTHURUTH MURI,
VADAKKEKARA PAKUTHI.

BY ADV. SRI.T.R.ASWAS
SRI.ANIL KUMAR SREEDHARAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

C.R.P. NO. 13 OF 2007

Dated this the 10th day of December, 2007

ORDER

This civil revision petition is preferred against the order of the O.P. (Ele.) No.18/2003. The court below has awarded an additional compensation of Rs.18,171.60/- with 9% interest. The court below awarded this additional compensation for the trees cut and removed. It is true that 5% on the total compensation payable is taken into consideration. A perusal of the award would reveal that four coconut trees aged 25 years and four arecanut trees aged 15 years and other non yielding trees were cut and removed from the property. 25 years of a coconut tree is the proper age when it gives good yield and for arecanut trees also it is the very same age. The longevity of yielding, nature of yielding etc. have been considered by the court below and the data furnished by the KSEB also has been taken into consideration. So considering the age of the trees and also the nature of the tress, the court below awarded an enhanced compensation. It is true that the Apex court has held in **K.S.E.B. v. Livisha [2007 (3) KLT 1]** that each case has to be decided on the

facts and circumstances involved therein. Here, even if it is taken into consideration and the compensation is calculated, I do not find any excessive awarding of compensation. Similarly the court below has not awarded any amount for the diminution of land value as well. Therefore the award appears to be reasonable which does not call for any interference. But considering the present interest factor, the interest can be reduced from 9% to 6%. Therefore the award under challenge is modified retaining the amount awarded but reduce the interest from 9% to 6%.

The Civil Revision Petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

vps